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HOUSE BILL 464

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Justine Fox-Young

AN ACT

RELATING TO TAXATION; PROVIDING THAT STAMPS FOR CIGARETTE
PACKAGES FOR EXCISE TAX PURPOSES BE AFFIXED BY DISTRIBUTORS
WITHIN THIRTY DAYS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 7-12-5 NMSA 1978 (being Laws 1971,
Chapter 77, Section 5, as amended) is amended to read:

"7-12-5. AFFIXING STAMPS.--

A. Except as provided in Section 7-12-6 NMSA 1978,
all cigarettes shall be placed in packages or containers to
which a stamp shall be affixed. Only a distributor with a
valid license issued pursuant to the Cigarette Tax Act may
purchase or obtain unaffixed tax-exempt stamps or tax stamps.
A distributor shall not sell or provide unaffixed stamps to
another distributor, manufacturer, export warehouse proprietor

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underscored material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 or importer with a valid permit pursuant to 26 U.S.C. 5713 or
2 any other person.

3 B. Stamps shall be affixed by the distributor to
4 each package of cigarettes to be sold or distributed in New
5 Mexico within [~~ten~~] thirty days of receipt of those packages.

6 C. A distributor shall apply stamps only to
7 packages of cigarettes that it has received directly from a
8 manufacturer or importer of cigarettes that possesses a valid
9 and current permit pursuant to 26 U.S.C. 5713.

10 D. Packages shall contain cigarettes in lots of
11 five, ten, twenty or twenty-five.

12 E. Unless the requirements of this section are
13 waived pursuant to Section 7-12-6 NMSA 1978, a tax stamp shall
14 be affixed to each package of cigarettes subject to the
15 cigarette tax and a tax-exempt stamp shall be affixed to each
16 package of cigarettes not subject to the cigarette tax pursuant
17 to Section 7-12-4 NMSA 1978.

18 F. A tax-exempt stamp is not an excise tax stamp
19 for purposes of determining units sold pursuant to Section
20 6-4-12 NMSA 1978.

21 G. Stamps shall be affixed inside the boundaries of
22 New Mexico, unless the department has granted a license
23 allowing a person to affix stamps outside New Mexico."

24 Section 2. EFFECTIVE DATE.--The effective date of the
25 provisions of this act is July 1, 2008.

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